

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

DR DISTRIBUTORS, LLC,

Plaintiff-Counterdefendant,

v.

21 CENTURY SMOKING, INC., and BRENT
DUKE,

Defendants-Counterclaimants,

v.

CB DISTRIBUTORS, INC., and CARLOS
BENGOA,

Counter-Defendants.

Case Number: 3:12 – cv – 50324

Judge: Frederick J. Kapala

Magistrate Judge: Iain D. Johnston

**PLAINTIFFS’ MOTION FOR LEAVE TO FILE SUPPLEMENT IN SUPPORT
OF THEIR OPPOSITION TO DEFENDANT-COUNTERCLAIMANTS’ MOTION FOR
LEAVE TO SUPPLEMENT EXPERT REPORT OF DAVID HAAS**

Plaintiff-Counterdefendants DR Distributors, LLC (“DR”), CB Distributors, Inc. (“CB”), and Carlos Bengoa (“Bengoa”) (collectively the “Plaintiffs”), respectfully move this Court for leave to file a supplement in support of their opposition to Defendant-Counterclaimant 21 Century Smoking, Inc. and Brent Duke’s (the “Defendants”) motion for leave to supplement the expert report of David Haas.

A copy of Plaintiffs’ proposed supplement in support of their opposition is attached hereto, along with copies of the case law cited therein. Plaintiffs’ respectfully submit that their supplementation will assist the Court in fully resolving the issues concerning Federal Rule of Civil Procedure 26 – specifically, Rule 26(e)(1) and Rule 26(e)(2) - presented during oral argument heard on Defendants’ Motion on June 7, 2016.

WHEREFORE, Plaintiffs respectfully request that the Court issue an Order granting Plaintiffs leave to file their supplement in support of their opposition.

Dated: June 20, 2016

Respectfully submitted,

NICOLL DAVIS & SPINELLA, LLP

By: /s/ Brian M. Gaynor

ANTHONY J. DAVIS
adavis@ndslaw.com
BRIAN M. GAYNOR
bgaynor@ndslaw.com
95 Route 17 South, Suite 203
Paramus, New Jersey 07652
201-712-1616
201-712-9444 (fax)

and

/s/ Robert C. von Ohlen

ROBERT C. VON OHLEN
rvo@vonohlenlaw.com
1340 W. Deerpath Road
Lake Forest, Illinois 60045
888-376-7475
888-354-4244
Attorneys for Plaintiff Counterdefendants
DR Distributors, LLC, CB Distributors, Inc.,
and Carlos Bengoa